

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**J.B.D.L. Corp. d/b/a
BECKETT APOTHECARY, et al.
Plaintiffs,**

V.

WYETH

Defendant.

NO. C-1-01-704

Judge Sandra S. Beckwith
Magistrate Judge Timothy S. Hogan

**CVS MERIDIAN, INC. and
RITE AID CORPORATION,
Plaintiffs,**

V.

WYETH

Defendant.

No. C-1-03-781

Judge Sandra S. Beckwith

**MOTION FOR LEAVE TO WITHDRAW MOTION AMENDING
CASE MANAGEMENT ORDER**

Plaintiffs CVS Meridian, Inc. (“CVS”) and Rite Aid Corporation (“Rite Aid”) hereby move to withdraw their Motion to Amend Case Management Order filed on February 9, 2004. (Doc. No. 89)

Plaintiffs seek to withdraw their motion in light of Defendant Wyeth's Memorandum in Partial Opposition to Amend Case Management Order, stating Wyeth's position that under the current Case Management Order, CVS and Rite Aid will not be precluded from

asserting their own interests in a consolidated trial and that Wyeth does not object to CVS and Rite Aid making independent filings on matters of independent significance. Furthermore, the Direct Purchaser Class has filed no objection to either the Motion to Amend or to Wyeth's response. This being the case, CVS and Rite Aid no longer oppose their inclusion in the consolidated trial as contemplated by the Amended Case Management Order of January 9, 2002 (Doc. No. 20) and the December 30, 2003 Order of Judge Susan J. Dott directing consolidation.

Counsel for CVS and Rite Aid has discussed this motion with counsel for Wyeth and the Direct Purchaser Class who have no objection to the relief requested.

Wherefore, for the foregoing reasons, Plaintiffs CVS Meridian, Inc. and Rite Aid Corporation respectfully request that their Motion to Amend Case Management Order be deemed withdrawn.

Respectfully submitted,

s/ Gordon A. Einhorn

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*Attorneys for Plaintiffs CVS Meridian, Inc.
and Rite Aid Corporation*

Dated: April 13, 2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been electronically served on all parties with CM/ECF Registration on this 13th day of April, 2005 and by regular U.S. mail, postage prepaid upon the following:

Eliot Long BUCHANON INGERSOLL 1835 Market Street, 14 th Floor Philadelphia, PA 19103-2985 Facsimile: 215 665-8760	
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s/ Gordon A. Einhorn
Gordon A. Einhorn